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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, November 18, 2009 at 9:30 a.m.
PLACE:	Conference Room 1st floor, Cannon Building 861 Silver Lake Blvd., Dover, DE
APPROVED:	January 13, 2010

MEMBERS PRESENT

Sandra Robinson, R.Ph, Professional Member, President
Geoffrey N. Christ, Esq., R.Ph, Professional Member, Vice President
Sebastian Hamilton, R.Ph, Professional Member
Howard Simon, R.Ph, Professional Member
Don Holst, R.Ph, Professional Member
Joli Martini, R.Ph, Professional Member
Carolyn Calio, Public Member
David Bonar, Public Member
David W. Dryden, R.Ph., J.D., Executive Secretary

MEMBERS ABSENT

Michael Hertzfeld, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Allison Reardon, Deputy Attorney General
Nancy Fields, Administrative Specialist II
James Kaminski, R.Ph., Pharmacist Administrator

ALSO PRESENT

Suzanne Raab-Long
Tiffany Sorey
Rebecca Byrd
Irene Collins
Sandra Guckian
Debbie Hamilton

CALL TO ORDER

Ms. Robinson called the meeting to order at 9:31 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Bonar, seconded by Mr. Hamilton, to approve the minutes as presented. The motion unanimously carried.

PRESIDENT'S REPORT

On October 22, 2009, Ms. Robinson attended the Delaware Pharmacists Society social event at the Lobby Bar at Dover Downs.

On October 26, 2009, Ms. Robinson attended the Drug Disposal Committee meeting which was chaired by Mr. Hamilton.

On October 27, 2009, Ms. Robinson attended the Delaware Pharmacists Society Board of Directors meeting at the Levin Center in Smyrna.

On October 28, 2009, Ms. Robinson, Hooshang Shanehsaz (DPS President), and Chai Gaddie (DPS Legislative Committee Chair) met with Governor Markell for the signing of a proclamation designating October 2009 as Pharmacists month.

On December 1, 2009, the Delaware State Board of Pharmacy and the Delaware Pharmacists Society are presenting an informational program on E-Prescribing at 7:00 p.m. at the Levin Center in Smyrna. The guest speaker will be Ken Whitmore, Jr. R.Ph, MBA, and Senior VP of Clinical Practice Integration Surescripts.

UNFINISHED BUSINESS

Legitimate Medical Purpose

There is an Internet Pharmacy Committee meeting scheduled for December 8, 2009 at 10:00 a.m. to discuss the proposed bill.

Regulation 5 Review – Dispensing

The committee meeting for November 10, 2009 was cancelled. There is a meeting scheduled for January 6, 2010 at 9:00 a.m.

Regulation 1 Review

Mr. Dryden advised the Board that he approved Regulation 1 amendments; however, if the requirement for the 1500 pre-licensure hours changes in the near future, additional amendments will have to be made; therefore, the Board agreed to add these amendments to Regulation 5, 9, & 10 amendment package.

Drug Disposal and Distribution Review

Mr. Hamilton stated that the Drug Disposal Committee's first meeting was October 26, 2009. He gave a summary of the meeting. A few changes were made to House Bill 235 as a result of member suggestions. Mr. Hamilton is still in the process of collecting data regarding disposal programs that are available and will report at the next disposal meeting.

Mr. Bonar made a motion, seconded by Mr. Simon, to approve House Bill 235 as amended. The motion unanimously carried.

Verification of Internship Hours

This discussion was tabled until the next meeting.

Regulation 14 Review - Administration of Injectable Medications

Mr. Holst stated that the committee now has two new members, Brian Strong and Phil Anderson. The next meeting will be scheduled before the next Board meeting.

Prescription Monitoring Program (PMP)

Mr. Dryden reported that Delaware is one of the few states that do not have a PMP program yet. The PMP issue is being presented and reviewed by The Department of State, the Department of Safety and Homeland Security and Governor Markell. Mr. Christ advised that this issue was brought up at the prescription pad meeting.

Regulation 9 & 10

The Committee met on October 21, 2009 and revised the certified technician language. There will be another meeting on January 6, 2010.

Signing Board Order for Kwasi Boateng

A motion was made by Mr. Holst, seconded by Mr. Simon to add this item to the agenda. The motion unanimously carried. The order was signed accordingly by the Board.

NEW BUSINESS

Ratification of Pharmacist Licenses

A motion was made by Mr. Holst, seconded by Mr. Christ, to ratify the licensure for the following individuals:

Jennifer Hall
Priti Patel
John P. Hopkins
Gina Parilli
William P. Burns
Sathish Ariarra-Cariappa

The motion was unanimously carried.

Pharmacist Application Reviews

The Board reviewed the application for Patrick Marks. Mr. Marks was disciplined in the State of New York in February 2002. Mr. Marks has had no other disciplinary action. The Board found that the disciplinary action taken against him in New York was not a reason to propose to deny licensure under the provisions of 24 Del. C. §2508(c) (1). The Board determined, based on the information submitted with the application, that granting Mr. Marks a license does not present a risk to public health, safety, or welfare.

A motion was made by Mr. Bonar, seconded by Mr. Hamilton, to approve Mr. Marks for licensure contingent meeting all other requirements for licensure. The motion unanimously carried.

Committee Reports

Joint Practice Committee – Don Holst and Howard Simon – No report.

Physician's Assistant Report – Sebastian Hamilton, R.Ph: - Mr. Hamilton advised that the Committee met on November 3, 2009. There were 5 new applicants for licensure, 0 for controlled substance prescriptive authority and 3 for prescriptive authority.

Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.: Ms. Robinson asked Mr. Dryden if he could get the Board of Pharmacy website address added to top of the newsletter as a permanent item.

Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., and David Dryden, R.Ph., J.D.: The Board is continuing to work on the Internet and Drug Disposal bills in order to get them submitted for the upcoming legislation session.

Continuing Education – Sandy Robinson, R. Ph., Michael Hertzfeld, Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.: No report.

Consumer Affairs – Carolyn Calio, Michael Hertzfeld, and David Bonar: No report.

Professional Liaison – Sandra Robinson, R.Ph. and Don Holst, R.Ph: The Delaware Pharmacists Society is sponsoring an informational program on E-Prescribing on December 1, 2009 from 7:00 – 9:00 at the Levin Center in Smyrna. On May 12 – 14, 2010, DPS will hold their Annual Convention. The Wall of Bricks has been installed at the Levin Center in Smyrna. If anyone else has an interest in the Wall of Bricks, the contact person is Kevin Musto, R. Ph.

MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, and James Kaminski: Mr. Kaminski advised that the MPJE questions were submitted to NABP and were all accepted. Board members should continue submitting their questions for next year.

Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, and Dave Dryden: Mr. Christ reported that he has been meeting every other week with the committee regarding the tamper-proof prescription pads, and they have been creating standard regulations. New York is going to be the example state and they will provide us with samples. The information will be sent to the members.

Mr. Howard reported that he and Mr. Holst are receiving customer complaints regarding the dual controlled substance identification requirement under the Controlled substance regulations. Concerns or suggestions regarding this requirement should be forwarded to the Board office and to the Office of Narcotics and Dangerous Drugs.

Board Correspondence

Mr. Dryden reported that he recently received one correspondence from NASCSA which advised that the Drug Enforcement Administration (DEA) published a Notice of Proposed Rulemaking (NPRM) in the Federal Register to place Carisprodol into Schedule IV of the Controlled Substance Act. Any written comments must be postmarked and electronic comments must be submitted on or before December 17, 2009.

Inspection Report

Three pharmacies, three Controlled Substance Authority's, two audits, and four physician non-compliant prescription blanks were found. Three follow ups for non-compliant prescription blanks were received. No further action is necessary.

The Medicine Shoppe located in Seaford, Delaware closed for business on October 26, 2009.

The office received a report of missing controlled substances from a chain pharmacy on October 15, 2009. The loss is under investigation.

The result of an investigation of loss of controlled substances on June 12, 2009 of this year unveiled theft by a technician. Alprazolam, Tussionex, APAP c Cod #4, Suboxone, Promethazine c Cod and Clonazepam were the items diverted.

The result of an investigation of missing drug samples from a pharmaceutical sale's representative supply has since identified the source of the variance and provided documentation which resolves the issue. There is no loss of drugs and the company requested that the previous report be disregarded.

When deficiencies are found during the inspection process and audits are not acceptable, the office requires written responses from the pharmacist-in-charge (PIC). There are seven outstanding requests at present.

Administration of injectable medications according to Regulation 14 is being monitored during the inspection process as requested by the Board. Areas of possible concern noted are as follows: the environment where the administration occurs; other duties and unpredictable work load causing a hurried process.

Other Business before the Board

Mr. Bonar proposed that in order to conserve time at meetings that he would like to have Ms. Fields send out the committee reports, correspondences, and inspection reports to the Board members with the agenda each month so they can be reviewed prior to the meeting and only discuss if the Board felt it was necessary. The Board discussed this and advised that they could try it to see if it saved time; however, the reports should be sent to Ms. Fields electronically at least 9 days prior to the meeting date.

Hearing – George Jenks R.Ph.

The State dismissed this case; therefore, no hearing was required.

Public Comment

Ms. Tiffany Sorey, a Pharmacist from Target, wanted to express her appreciation for the Board's concerns regarding giving the flu vaccines in the pharmacies. She also gave her opinion regarding verification of insurance and putting the ownership on the doctors.

Mr. Bonar suggested offering the Board's support and appreciation to the Pharmacists-in-Charge for their public protection in the next newsletter.

Ms. Robinson wanted to express her gratitude to Mr. Dryden, Mr. Kaminski, Ms. Fields, and the staff at the Division of Professional Regulation for their hard work during the year and she also wanted to wish everyone a safe holiday season.

Next Scheduled Meeting

Ms. Reardon advised that she will not be available to meet with the Board on Wednesday, January 20, 2010; therefore, she can offer the Board a substitute D.A.G or the Board can change the date to a date before January 18th. The Board decided to meet on January 13, 2010.

A motion was made by Mr. Bonar, seconded by Mr. Simon, to take a 10-minute recess before assembling for the Regulation 9 & 10 Committee meeting. The motion unanimously carried.

Adjournment

A motion was made by Mr. Simon, seconded by Holst, to adjourn the meeting. The motion unanimously carried. The meeting adjourned at 11:30 a.m.

Regulation 9 and 10 Committee Meeting

The Committee made significant progress and substantial changes to Regulations 9 & 10. The most significant change is the removal of supportive personnel to correspond with Regulation 19. The Board also discussed drug product selection and therapeutic interchange. The discussion and amendments will continue at the next meeting in January.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy Fields".

Nancy Fields
Administrative Specialist II